

ENTERED

March 08, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

BERI DAVE,
“Plaintiff”,

v.

DAVID C. LAIRD, *et al.*,
“Defendants”.

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Civil Action No. 1:20-cv-00209

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court are these pleadings: Plaintiff's “Complaint for Violations of Civil Rights” (Dkt. No. 1) and “More Definite Statement of All Claims” (Dkt. No. 57), Defendants City of South Padre Island, David C. Laird, and Claudine O’Carroll’s “Response in Opposition to Plaintiff’s “More Definite Statement” and Motion to Dismiss Pursuant to Rules 8 and 12” (“MTD”) (Dkt. No. 55), “Magistrate Judge’s Report and Recommendation” (“R&R”) (Dkt. No. 62), and Plaintiff’s “Objections to Proposed Report and Recommendations by U.S. Magistrate Judge Ignacio Torteya III” (“Objections”) (Dkt. No. 81).

A party may contest the proposed findings and conclusions in a report and recommendation by filing written objections within fourteen days of being served with a copy of the report and recommendation. *See* 28 U.S.C. § 636(b)(1). A party's objections to portions of a report and recommendation entitle him to *de novo* review by the Court. *See* 28 U.S.C. § 636(b)(1). Objections must specifically identify findings or recommendations in the R&R. The court need not consider frivolous, conclusive, or general objections. *See Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). Proposed findings and recommendations to which no objections were filed are reviewed for clear error. *See* 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 150-53, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *Quinn v. Guerrero*, 863 F.3d 353, 358 (5th Cir. 2017).

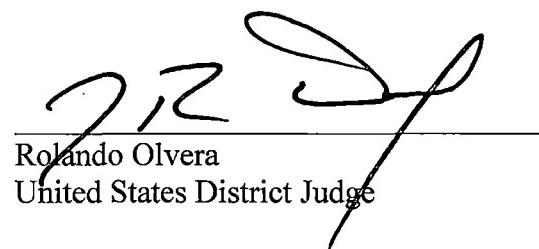
Plaintiff objected to the R&R. Dkt. No. 81. But Plaintiff's objections¹ are conclusive and general. Plaintiff cites neither law nor fact to support his objections, which amount to no more than a general exception to the R&R. The Court need not consider such objections and has therefore

¹ When considering a Rule 12(b)(6) motion, the court’s review is limited to the complaint, any documents attached to the complaint, and any documents attached to the motion to dismiss that are central to the claim and referenced by the complaint. *Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC*, 594 F.3d 383, 387 (5th Cir. 2010).

reviewed the R&R and the record for clear error. *See Stafford v. Berryhill*, 2019 U.S. Dist. LEXIS 105778 (W.D.T.X 2019) (citing *Battle*, 834 F.2d at 421; *see also* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"). Finding no clear error, the R&R is **ADOPTED**.

Defendants' MTD (Dkt. No. 55) is **GRANTED IN PART**. Plaintiff's claims against David C. Laird, Claudine O'Carroll, and City of South Padre Island are **DIMISSED WITH PREJUDICE**.

Signed on this 8th day of March, 2022.



Rolando Olvera
United States District Judge